

OFFICIAL RESOLUTION.

Re: Ratification of the Amendments of the Constitution of India by the Constitution (Thirty-ninth Amendment) Bill 1975.

SRI D. K. NAIKAR.—(Minister for law and Municipal Administration).—Sir, I beg to move.

“That this House ratifies the amendments to the Constitution of India falling within the purview of the proviso to Clause (2) of Article 368 thereof, proposed to be made by the Constitution (Thirty-ninth Amendment) Bill 1975 as passed by the two Houses of Parliament and the short title of which has been changed into” The Constitution (Thirty-Eighth Amendment) Act, 1975.”

MR. DEPUTY SPEAKER.—Motion moved.

That this House ratifies the amendments to the Constitution of India falling within the purview of the proviso to Clause (2) of Article 368 thereof, proposed to be made by the constitution (Thirty-ninth Amendment) Bill, 1975 as passed by the the two Houses of parliament and the short title which has been changed into “The Constitution (Thirty-eighth Amendment) Act, 1975.”

† **SRI D. K. NAIKAR.**—Sir, This ratification seeks amendments to Articles 123, 213, 239B, 352, 356 369, and 360 of the Constitution of India. I beg to state in this connection that Article 123, 213 and 239 (B) are providing legislative powers to the President, Governors, and Administrators, and Articles 352 and 360 are providing powers to the President to declare emergency in cases where security of India is threatened or financial stability or credit of India or of any part of the territory thereof is threatened. Then Article 356 empowers the President to impose President's Rule in case of failure of constitutional machinery in States. Further, Article 359 empowers the President to suspend the fundamental rights conferred by Part III during emergencies. If decisions taken by the authorities are also challenged in the courts of law, then, the very purpose of declaring emergency would be defeated. In this connection, several High Courts have also given number of decisions that these are only matters which should be placed beyond judicial scrutiny. Therefore amendment is sought by this ratification. Sir, the amendments to these articles have been passed in both the Houses of Parliament. Since it touches the jurisdiction of the Courts, the ratification is required as per proviso to Sub-Clause (2) of article 368. Therefore, I request the House to ratify the amendments.

*** Bills appended as Annexure,

MR. DEPUTY SPEAKER.—I will put the motion to the vote of the House. The question :

“That this House ratifies the amendments to the Constitution of India falling within the purview of the proviso to Clause (2) of Article 268 thereof, proposed to be made by the Constitution (Thirty-ninth Amendment) Bill, 1975 as passed by the two Houses of Parliament and the short title of which has been changed into ‘The Constitution Thirty-eight Amendment) Act, 1975.’”

The Motion was adopted.

BUSINESS OF THE HOUSE ANNOUNCEMENT

MR. DEPUTY SPEAKER.—The Business Advisory Committee at their sitting held on the 27th July, 1975 have decided that the House may sit for four days from to-days to transact the following Business

I Official Resolution.

Resolution ratifying the Constitution Thirty-ninth Amendment) Bill, 1975 as passed by the both Houses of Parliament.

II Bills.

Name of the Bill

1. The Karnataka (Determination of the Retirement age of certain teachers) Bill, 1975.
2. The Karnataka Sales Tax (Third Amendment) Bill, 1975.
3. The Karnataka Municipalities Postponement of Elections) Bill 1975.
4. The Karnataka Vacant Land in Urban areas (Prohibition of Alienation) Bill, 1975.
5. The Karnataka Dept Relief Bill, 1975
6. The Karnataka Land Revenue (Amendment) Bill 1975 as passed by the Legislative Council.
7. The Karnataka Rent Control (Amendment) Bill, 1975 as passed by the Legislative Council.
8. The Mysore University of Agricultural Sciences Bill, 1973 as reported by Joint Select Committee.

Now the House stands adjourned to meet tomorrow at 1 P. M.

The House adjourned at Twenty Five Minutes past Six of the Clock to meet again at One of the Clock on Tuesday, the 29th July 1975